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Attorney's Docket No. CDS-236

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Edward R. Scalice et al.

Serial No.: 09/821,227

Art Unit: 7161

Filed: March 29, 2001

Examiner: James L. Grun

For: IMMUNOASSAY FOR C-REACTIVE PROTEIN

**CERTIFICATION UNDER (37 C.F.R. § 1.8(A))**

I hereby certify that, on the date shown below, this correspondence is being:

**Mailing**

☒ deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Assistant Commissioner for Patents, Alexandria, VA 22313.

Date: August 25, 2004

**Facsimile**

☐ transmitted by facsimile to the Patent and Trademark Office.

Signature: 

Mail Stop Petition  
Assistant Commissioner for Patents  
Alexandria, VA 22313

**PETITION TO ACCEPT AN UNINTENTIONALLY  
DELAYED CLAIM OF PRIORITY**

Dear Sir:

Applicants petition the Commissioner of Patents and Trademarks to correct an unintentionally delayed claim of priority in the above-captioned application.

Applicants hereby petition the Commissioner under 37 C.F.R. § 1.78(a)(6) to claim the benefit under 35 U.S.C. § 119(e) of an earlier filed provisional application.

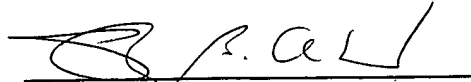
The cause of delay to the priority claim under paragraph §1.78(a)(5)(ii) was unintentional. The current application was filed on March 29, 2001 and priority was claimed to U.S. Prov. Appln. No. 60/193,951, filed March 31, 2000, as indicated on the Declaration and Power of Attorney. A copy of which is attached hereto.

Applicants' failure to file a Preliminary Amendment to add the required related application's paragraph to the specification was unintentional.

Applicants attach hereto an Amendment After Notice of Allowance to add a related cases section to the specification to correct the claim for priority.

Please charge any fees, including the Petition Fee, which may be required for this submission to Johnson & Johnson Deposit Account No. 10-0750/CDS-236/SBA.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "S. B. Antar", written over a horizontal line.

Stacey B. Antar  
Reg. No. 39,595

Johnson & Johnson  
One Johnson & Johnson Plaza  
New Brunswick, NJ 08933-7003  
Tel: 732-524-2824  
Dated: *August 25, 2004*

**Customer No. 000027777**



SERIAL NO. 09/821,227 DOCKET NO. CD8 236 BY SBA:edw  
APPLICATION OF Edward R. Skalce MAILED: 8/21/2001  
ENTITLED IMMUNOASSAY FOR C-REACTIVE PROTEIN.

THE FOLLOWING HAS BEEN RECEIVED IN THE U.S. PATENT OFFICE ON THE DATE  
STAMPED HEREON:

- |  |  |   |
|--|--|---|
| <input type="checkbox"/> AFFIDAVIT                         | <input checked="" type="checkbox"/> DECLARATION &<br>Power of Atty | <input checked="" type="checkbox"/> EXTENSION OF TIME                 |
| <input type="checkbox"/> AMENDMENT                         |  | <input type="checkbox"/> NOTICE OF APPEAL                             |
| <input type="checkbox"/> ASSIGNMENT FOR RECORDING          |  | <input type="checkbox"/> OATH OR <input type="checkbox"/> DECLARATION |
| <input type="checkbox"/> BRIEF                             |  | <input type="checkbox"/> POWER OF ATTORNEY                            |
| <input type="checkbox"/> CHARGE TO DEPOSIT ACCOUNT 10-0750 |  | <input type="checkbox"/> PRELIMINARY STATEMENT                        |
| <input type="checkbox"/> DRAWINGS _____                    |  | <input type="checkbox"/> PRIORITY DOCUMENT                            |
| <input type="checkbox"/> ISSUE FEE TRANSMITTAL             |  | <input type="checkbox"/> STATUS INQUIRY                               |
| <input checked="" type="checkbox"/> LETTER                 |  | <input type="checkbox"/> SPECIFICATION _____ PGS                      |
| <input type="checkbox"/> PCT FILING                        |  | <input type="checkbox"/> CLAIMS _____                                 |
| <input type="checkbox"/> IDS - FORM-1449                   |  | <input type="checkbox"/> _____  |

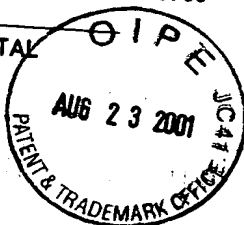
FORM 113788 REV. 7/96

SERIAL NO. 09/821,227 DOCKET NO. CD8 236 BY SBA:edw  
APPLICATION OF Edward R. Skalce MAILED: 8/21/2001  
ENTITLED IMMUNOASSAY FOR C-REACTIVE PROTEIN.

THE FOLLOWING HAS BEEN RECEIVED IN THE U.S. PATENT OFFICE ON THE DATE  
STAMPED HEREON:

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| <input type="checkbox"/> AFFIDAVIT                         | <input checked="" type="checkbox"/> DECLARATION &<br>Power of Atty | <input checked="" type="checkbox"/> EXTENSION OF TIME                 |
| <input type="checkbox"/> AMENDMENT                         |  | <input type="checkbox"/> NOTICE OF APPEAL                             |
| <input type="checkbox"/> ASSIGNMENT FOR RECORDING          |  | <input type="checkbox"/> OATH OR <input type="checkbox"/> DECLARATION |
| <input type="checkbox"/> BRIEF                             |  | <input type="checkbox"/> POWER OF ATTORNEY                            |
| <input type="checkbox"/> CHARGE TO DEPOSIT ACCOUNT 10-0750 |  | <input type="checkbox"/> PRELIMINARY STATEMENT                        |
| <input type="checkbox"/> DRAWINGS _____                    |  | <input type="checkbox"/> PRIORITY DOCUMENT                            |
| <input type="checkbox"/> ISSUE FEE TRANSMITTAL             |  | <input type="checkbox"/> STATUS INQUIRY                               |
| <input checked="" type="checkbox"/> LETTER                 |  | <input type="checkbox"/> SPECIFICATION _____ PGS                      |
| <input type="checkbox"/> PCT FILING                        |  | <input type="checkbox"/> CLAIMS _____                                 |
| <input type="checkbox"/> IDS - FORM-1449                   |  | <input type="checkbox"/> _____  |

FORM 113788 REV. 7/96



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Edward R. Scalice, et al.

Serial No.: 09/821,227

Art Unit: 1645

Filed : March 29, 2001

Examiner: Not Assigned

For : IMMUNOASSAY FOR C-REACTIVE PROTEIN



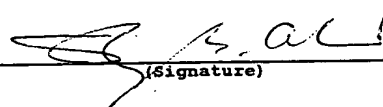
I hereby certify that this correspondence is being deposited with the  
United States Postal Service as first class mail in an envelope addressed  
to: Commissioner for Patents, Washington, DC 20231 on

August 21, 2001

(Date of Deposit)

Stacey B. Antar

(Name of applicant, assignee, or Registered Representative)

  
(Signature)August 21, 2001

(Date of Signature)

Commissioner For Patents  
Washington, D.C. 20231

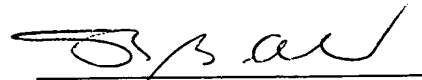
PETITION FOR EXTENSION OF TIME  
AND AUTHORIZATION TO CHARGE  
DEPOSIT ACCOUNT THEREFOR

Dear Sir:

Applicants petition the Commissioner of Patents and Trademarks to extend the time for response to the Notice To File Missing Parts of Nonprovisional Application dated May 25, 2001 for one(1) month from July 25, 2001 to August 25, 2001. A Submission of Combined Declaration and Power of Attorney corresponding to the aforesaid Notice To File Missing Parts of Nonprovisional Application is being filed concurrently herewith.

Please charge Deposit Account No. 10-0750/CDS-236/SBA in the name of Johnson & Johnson for the cost of filing this Petition. Three copies of this Petition are enclosed.

Respectfully submitted,

Stacey B. Antar

Reg. No. 39,595

Attorney for Applicants

Johnson & Johnson  
One Johnson & Johnson Plaza  
New Brunswick, NJ 08933-7003  
(732) 524-2824  
DATE: August 21, 2001

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Edward R. Scalice, et al.

Serial No.: 09/821,227

Art Unit: 1645

Filed : March 29, 2001

Examiner: Not Assigned

For : IMMUNOASSAY FOR C-REACTIVE PROTEIN



I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Box Missing Parts, Commissioner for Patents, Washington, DC 20231 on

August 21, 2001

(Date of Deposit)

Stacey B. Antar

(Name of applicant, assignee, or Registered Representative)

(Signature)

August 21, 2001

(Date of Signature)

BOX MISSING PARTS  
Commissioner for Patents  
Washington, D.C. 20231


SUBMISSION OF COMBINED DECLARATION AND POWER OF ATTORNEY

Dear Sir:

Pursuant to Rule 53(f) and Rule 54, please find enclosed a Combined Declaration and Power of Attorney for the application of Edward R. Scalice, et al. entitled IMMUNOASSAY FOR C-REACTIVE PROTEIN attorney Docket No. CDS-236, to complete, pursuant to Rule 51, this application filed on March 29, 2001 by Express Mail pursuant to Rule 10. As required, a copy of the Notice to File Missing Parts of Application is also attached.

Please charge Johnson & Johnson Deposit Account No. 10-0750/CDS-236/SBA in the amounts of \$130.00 for submission of the Declaration pursuant to Section 1.16(e). The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Account No. 10-0750/CDS-236/SBA. This sheet is submitted in triplicate.

Respectfully submitted,

  
Stacey B. Antar  
Reg. No. 39,595  
Attorney for Applicants

Johnson & Johnson  
One Johnson & Johnson Plaza  
New Brunswick, NJ 08933-7003  
(732) 524-2824

Please type a plus sign (+) inside this box ☐

PTO/SB/01 (10-00)

Approved for use through 10/31/2002. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.



**DECLARATION  
AND  
POWER OF ATTORNEY  
FOR UTILITY OR DESIGN  
PATENT APPLICATION  
(37 CFR 1.63)**

☐ Declaration Submitted with Initial Filing **OR** ☒ Declaration Submitted after Initial Filing (Surcharge (37 CFR 1.16(e)) required)

Attorney Docket Number	CDS-236
First Named Inventor	Edward R. Scalice, et al.
<b>COMPLETE IF KNOWN</b>	
Application Number	09/821,227
Filing Date	March 29, 2001
Group Art Unit	1645
Examiner Name	Not Assigned

**As a below named inventor, I hereby declare that:**

My residence, mailing address, and citizenship are as stated below next to my name.  
I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**IMMUNOASSAY FOR C-REACTIVE PROTEIN**  
(Title of the Invention)

the specification of which

☐ is attached hereto

**OR**

☒ was filed on (MM/DD/YYYY) **03/29/2001** as United States Application Number **09/821,227**

and was amended on (MM/DD/YYYY)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached? YES NO	
			<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>

☐ Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto:

## DECLARATION - Utility or Design Patent Application

I hereby claim the benefit under 35 U.S.C. 119(e) of any United States provisional application(s) listed below.

Application Number(s)	Filing Date (MM/DD/YYYY)	
60/193,951	03/31/2000	<input type="checkbox"/> Additional provisional application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Application Serial No.	Filing Date	Status
		Patented Patented Patented

I hereby appoint:

☒ Practitioners at Customer Number 000027777 →

Place Customer  
Number Bar Code  
Label Here

**AND**

☐ Practitioner(s) named below:  
     Name                                      Registration Number

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

Address all telephone calls to Stacey B. Antar at telephone number (732) 524-2824.

Direct all correspondence to:      Customer Number      000027777      OR      ☐ Correspondence address below

**Name:**

**Address:**

**Address:**

**City:**

**State:**

**ZIP**

**Country**

**Telephone:**

**Fax:**

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

NAME OF SOLE OR FIRST INVENTOR:

☐ A petition has been filed for this unsigned inventor

Given Name  
(first and middle [if any]) Edward R.

Family Name  
or Surname Scalice

Inventor's  
Signature

*Edward R Scalice*

Date July 16, 2001

Residence: City Penfield

State NY

Country USA

Citizenship USA

Mailing Address 30 Cobblestone Crossing

City Penfield

State NY

ZIP 14526

Country USA

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

NAME OF SECOND INVENTOR:

☐ A petition has been filed for this unsigned inventor

Given Name  
(first and middle [if any]) John L.

Family Name  
or Surname Daiss

Inventor's  
Signature

*John L Daiss*

Date July 17, 2001

Residence: City Rochester

State NY

Country USA

Citizenship USA

Mailing Address 299 Mulberry St.

City Rochester

State NY

ZIP 14620-5211

Country USA

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

NAME OF THIRD INVENTOR:

☐ A petition has been filed for this unsigned inventor

Given Name  
(first and middle [if any])

Family Name  
or Surname

Inventor's  
Signature

Date

Residence: City

State

Country

Citizenship

Mailing Address

City

State

ZIP

Country